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Law of the Sea Country Study

Indonesia

Secret
BGI LOS 74-5
April 1974

NATIONAL SECURITY INFORMATION
Unauthorized Disclosure Subject to Criminal Sanctions

Classified by 019641
Exempt from general declassification schedule
of E.O. 11652, exemption category:
§ 5B(1), (2), and (3)
Automatically declassified on:
Date Impossible to Determine

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED]

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[REDACTED] Part II provides basic data and information bearing on law of the sea matters.

This study was prepared by the Office of Basic and Geographic Intelligence. [REDACTED] was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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INDONESIA

Part I - Law of the Sea Analysis

A. SUMMARY

Indonesia, comprising several thousand islands in a setting astride major world shipping routes, is the leader of the world's archipelago nations in lobbying for international acceptance of a sovereignty definition that would include all of the areas within the archipelago. The chief reasons for advocating the archipelago concept of Indonesian sovereignty are to maintain political control over its vast island nation and to avoid confrontations of the major powers in its seas. Indonesia already has uncontested jurisdiction over the petroleum wealth on its continental shelf, and an exclusive fishing or resources zone of 200 miles or more will also give it jurisdiction over the abundance of marine life in its seas.



The archipelago claim, as it now stands, is not acceptable to the United States because Indonesia insists that foreign warships sail through the archipelago--including through traditionally international straits such as Malacca, Singapore, Sunda, Lombok, and Makasar--under the regime of innocent passage, not free transit. Indonesia, however, has recently indicated that it may be willing to accept a transit regime less restrictive than innocent passage if all warships sailing through the archipelago are confined to specified sealanes. Indonesia, with oil resources on its continental shelf to protect, has negotiated with its neighbors to establish seabed boundaries between them; only the shelf boundary with South Vietnam remains unresolved. The government feels that the coastal state should have the right to assert some influence over activities in the high seas contiguous to the zone under its jurisdiction, especially in conserving fisheries, combating pollution, and conducting marine research. Indonesia supports proposals for a deep seabed mining regime but wants assurances that operations in the international zone will not jeopardize those on its seabed.

B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

Indonesia, the largest archipelago country in the world, comprises several thousand islands spread over a sea area of 765,000 square

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nautical miles that extends about 1,000 miles from north to south and about 3,400 miles from west to east. Total land area, which includes some of the world's largest islands, is 735,000 square miles. Indonesia's insularity has, in the past, retarded unity and abetted outer island dissidence.

Indonesia is located athwart all maritime trade routes linking Europe, the Middle East, Africa, and South Asia with East Asia, as well as those linking Australia with East Asia. Included in the ship traffic through the Indonesian archipelago are supertankers that carry the nearly 80 percent of Japan's crude oil supplied by the Middle East and the warships of both the United States and U.S.S.R. navies sailing between the Pacific and Indian Oceans.

Uses of the Sea

Resources -- Petroleum accounts for more than half of Indonesia's foreign exchange earnings. While most of its petroleum exports have to date come from Sumatra, most exploration since the late 1960's has been offshore; about 14 percent of its total production now comes from offshore fields in the southwestern Java Sea and from the Makassar Strait. All offshore production and current exploration is on Indonesia's contiguous continental shelf and all of its 300 million barrels of proven recoverable offshore reserves are on the shelf.

Tin, which accounts for only about 5% of Indonesia's export earnings, is the only metallic mineral to be mined from Indonesia's seabed. Production in 1972 was 21,734 metric tons of concentrate, nearly all from the islands of Bangka, Billiton, and Singkep and nearby sectors of the continental shelf. All known offshore tin deposits are on the shelf.

The shallow seas in the western part of the archipelago are unusually rich in a variety of fish and crustaceans, including shrimp; the deep seas of the east are teeming with tuna. The official 1971 fish catch by the domestic maritime fishing fleet was 1,226,800 metric tons. In addition, large quantities of shrimp and tuna were caught by foreign fleets. Shrimp and tuna are the principal seafood exports.

During the 1960's Indonesia confiscated a number of foreign fishing vessels in its eastern seas, charging that foreign fishermen were violating its sovereignty and exhausting its resources. To put an end to the seizures, bilateral agreements were signed with several countries, including Japan, South Korea, the Philippines, Singapore, Norway, and Kuwait. Fishing concession blocks were granted, and the foreign fleets assessed annual license fees. The fishing agreements are, in effect, payoffs to stop Indonesian harassment of the fleets since most of the signatory countries do

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not recognize Indonesia's archipelago definition of its sovereignty, which encloses all of the eastern seas in which their fleets are fishing.

Only the waters of eastern Indonesia, which are nearly everywhere more than 200 meters deep, cover seabed resources not, by the 1958 Continental Shelf Convention, under Indonesia's uncontested jurisdiction. Depths here plunge to more than 7,000 meters. Although oil exploration concession blocks do extend into these deep water areas, the seabeds are too deep for present drilling technology. As improved drilling methods make the exploration of deep sea petroleum deposits profitable, however, exploration may well extend into the deep seas of the east. There are no prospects for the mining of any metallic minerals at depths greater than 200 meters.

Marine Transport -- Shipping is the most important means of interisland and intraisland movement of passengers and freight in Indonesia. The domestic merchant fleet is, however, inadequate to meet the country's need for economic development. The fleet consists of only 161 ships larger than 1,000 g.r.t. -- mostly old and slow and many of them out of service at any one time. Domestic shipping lanes are centered on Java where the nation's two most important ports, Tandjungpriok and Surabaja, are located; in most other parts of the country, port facilities are poor and service infrequent. President Suharto has stressed the need to improve sea communications.

The Navy -- The Indonesian Navy, the largest indigenous maritime force in Southeast Asia, is charged with defense of the country's coasts and territorial waters, protection of maritime trade, and assistance in maintaining internal security. Despite its relative size, its ship inventory is small, its ship maintenance poor, and its combat effectiveness low. Because of these deficiencies, the Navy is incapable of adequately carrying out any of its missions.

Political, Military, and Economic Factors

Since its suppression of the Communist Party (PKI) coup attempt in 1965, the Indonesian Army under General Suharto has restored political and economic stability. The PKI, previously the nation's most powerful political organization, has been outlawed and ruthlessly suppressed. Indonesia has renewed its political and economic ties with western nations, resumed active participation in the United Nations, and taken a leading role in Southeast Asian regional affairs. The Association of Southeast Asian Nations (ASEAN), formed in 1967 with Thailand, Malaysia, Singapore, and the Philippines also as members, is the major vehicle for regional cooperation. Regional security, however, continues to be promoted primarily through bilateral military assistance, training, and intelligence exchange programs.

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Ties with Malaysia have grown particularly close since the end of the Indonesian-Malaysian "confrontation" in 1966. Malaysia may fear, however, that Indonesia will insist that Malaysian ships sailing between West Malaysia and East Malaysia through waters within Indonesia's archipelago claim must do so under a restrictive transit regime. Such insistence could seriously impair the current friendly relations between the two countries. Racial antagonisms and differences over key LOS issues mar otherwise proper relations with Singapore. Relations with the Philippines are cordial but, except for their sharing of archipelago definitions of their sovereignty, are not close.

Except for squabbles over transit of ships of the 7th Fleet through the Malacca Strait without prior notification, generally relations with the United States have been excellent in recent years. The United States has been the largest contributor of foreign aid to Indonesia and has led other western nations, Japan, and Australia in rescheduling its debts amassed during the Sukarno era. Relations with most communist countries, on the other hand, have been cool. With a sizable Chinese minority that the government regards as a subversive threat, Indonesia considers the People's Republic of China (PRC) to be the major long-range threat to its security. Diplomatic relations were suspended in 1967. Although diplomatic relations with the U.S.S.R. have been retained, economic and political ties have been drastically slashed since the PKI coup attempt.

C. LAW OF THE SEA POLICY

The Archipelago Concept and the Territorial Sea

The archipelago concept is the cornerstone of Indonesia's LOS policy. Indonesia claims jurisdiction over all seas, seabeds, sub-soil, and superjacent airspace within a perimeter formed by 8,168 nautical miles of baselines drawn between 194 points on its outermost islands. The government is firmly and publicly committed to the claim, and there are no indications that it will develop a more flexible negotiating position at the Caracas Conference. Acceptance of the concept will be Indonesia's principal goal at the Conference.

Indonesia inherited a territorial sea of 3-mile zones around individual islands from the Netherlands East Indies colonial government at the time of independence after World War II. In December 1957 Indonesia advanced its claim to sovereignty over all the archipelago seas and superjacent airspace, claiming that such a narrow and fragmented territorial sea was not in accordance with the unity -- land and sea -- of the archipelago. This unilateral declaration, ratified in a Government Regulation issued in February 1960, also set the width of the territorial sea outside the baselines at 12 miles. Indonesia is not a party to the 1958 Convention on the Territorial Sea and the Contiguous Zone.

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Maintaining political unity in the face of rebellions in the outer islands was a major consideration in the formulation of the archipelago concept. Despite the lack of serious insurgent activity in the country today, Indonesia still links internal security with sealane jurisdiction. It feels that any transit regime through the archipelago must be designed in such a way as to protect sensitive areas. It has specifically expressed fears of clandestine resupply of insurgents by submarines. It also fears a major power confrontation in its waters, especially if the United States and U.S.S.R. navies continue to expand in the Indian Ocean and if the PRC expands its navy. Because jurisdiction over all resources in and under Indonesia's archipelago seas will likely be granted at Caracas by the adoption of an exclusive resources zone to at least 200 miles from its shores, Indonesia will almost certainly emphasize the security issue rather than the resources issue in negotiating for international acceptance of its sovereignty claim.

Indonesia maintains that the archipelago principle was recognized and approved by the International Court of Justice in the 1951 Anglo-Norwegian fisheries case in which Norway drew baselines to maintain the unity of its coastal islands. Indonesia further argues that drawing baselines around mid-ocean island groups long has been an international tradition. It claims that application of the archipelago principle to an entire state is justifiable because international law must consider the vital interests and historical, cultural, political, and security conditions of a state in establishing rules or making exceptions to rules.

Indonesia has been the leader among the world's archipelago nations in unifying the views of these states and in advancing the archipelago concept multilaterally at international forums. A joint Indonesian-Philippines-Fiji statement that declared all waters, seabeds, subsoil, and superjacent airspace within their respective baselines to belong to the state but allowing innocent passage in accordance with national legislation was presented in meetings of the Asian-African Legal Consultative Committee in Geneva in July 1972. Draft articles were submitted by the same states, along with Mauritius, to Subcommittee II of the UN's Seabed Committee in August 1973. They defined the use of straight baselines in outlining an archipelagic state, asserted the state's sovereignty over its waters, seabeds, subsoil, and airspace within those baselines, guaranteed the right of innocent passage, and declared the right of the state to designate sealanes for the transit of foreign vessels. Indonesia will act in concert with the other archipelago states at the LOS Conference in lobbying for international acceptance of the archipelago concept.

A major criticism of the archipelago concept by the major maritime nations has been its lack of a precise definition of an archipelago. The four archipelago nations, in their draft articles, define an

archipelago only as "a group of islands and other natural features which are so closely interrelated that the component islands and other natural features form an intrinsic geographical, economic, and political entity or which historically have been regarded as such." A more definitive formula, according to Indonesian officials, would have excluded one or more of the group. A formula advanced by the United Kingdom is unacceptable to Indonesia because the maximum length of baselines is only 48 nautical miles while some of Indonesia's exceed that distance. Indonesia, however, has been more receptive to a U.S. formula that limits the water-to-land ratio within construction lines (baselines) to 5:1 and the construction lines to 80 nautical miles, and has indicated that, if other archipelago countries agree, Indonesia is favorable to such a definition.

Straits

There are a number of straits less than 24 miles wide that lie partly or wholly within Indonesia's claimed archipelago waters, including such strategic, heavily used, and traditionally international passages as the Malacca Strait (shared with Malaysia), the Singapore Strait (shared with Singapore), and Sunda and Lombok Straits. Indonesia has insisted that the regime of passage through all of these straits should be no different than that through other waters within the archipelago. The major disagreement between the maritime powers and Indonesia has been the latter's refusal to allow a free transit regime through its claimed waters, including the straits; the government has argued that the principle of innocent passage accommodates both sides. There have been recent indications, however, that Indonesia may moderate its stand on the strait's transit regime if the archipelago concept is accepted at Caracas. Indonesia joined Cyprus, Greece, Malaysia, Morocco, the Philippines, and Yemen in submitting draft articles on navigation through the territorial sea, including straits used for international navigation, in Subcommittee II of the UN Seabed Committee in March 1973.

Indonesia's assertion of sovereignty over the straits of its archipelago has been most vigorously advanced in the case of the Malacca-Singapore Straits. Long a vital link in the major maritime trade route between the northern Indian Ocean and the Pacific, Indonesia and Malaysia announced in November 1971 that the passageway was not an international one and that, therefore, ships passing through it do so under the right of innocent passage. Both countries have charged that uncontrolled use of the Straits by foreign warships is a threat to their security, that lack of controls over other ship traffic in the Straits encourages smuggling and illegal immigration, and that use by supertankers is a serious pollution threat. Despite the Indonesian-Malaysian announcement, their demands for prior notification of the movement of foreign warships through the waterway and their ban on supertankers (larger than 200,000 d.w.t.) have gone unheeded.

Transit Regimes

Indonesia, in accordance with its insistence that foreign warships sail through the archipelago only under an innocent passage regime, requests written prior notification for all such vessels sailing through the archipelago. The United States provides only oral notification for most Indonesian passages and does not offer any notification when U.S. warships sail only through the Malacca-Singapore passageway. Indonesia, in its negotiations for international acceptance of the archipelago concept, has suggested that it wants to confine all foreign warships sailing through the archipelago to certain corridors. This would go far to meet Indonesia's security needs by permitting concentration of its limited maritime security assets in areas of particular concern. It has neither specified the corridors nor indicated what their widths will be. They must, however, be defined so that they don't appear to divide the country by high seas passageways; oil drilling or other such economic activities must not be restricted in any way; the corridors must avoid sensitive areas such as Buru Island where thousands of PKI prisoners are incarcerated. While Indonesia may not demand prior notification for each military vessel sailing through the corridors, she undoubtedly will not accept high seas navigational freedoms in them. A new type of transit regime for archipelagoes has been suggested which affords more freedom than free transit, but is not as free as a high seas regime. In any agreement, however, Indonesia will want assurances that warships are, in fact, sailing directly through the corridors.

Indonesia contends that, in view of technological advances in maritime transportation -- especially in the increase in the size of oil-carrying vessels -- there is a need to redefine "innocent passage" by taking into account more fully the interests of the coastal states, particularly their fears of pollution from such ships. Indonesia wants the right to deny entry into its archipelago of any vessel carrying cargo or powered by a fuel, that if leaked, could do damage to its waters or shores.

Semienclosed Seas

According to criteria used by most countries, Indonesia has several semienclosed seas, including the Java Sea, the Banda Sea, the Ceram Sea, and the Maluku Sea. Indonesia regards all such seas entirely within its sovereignty. Indonesia considers the 5,000-meter-deep Celebes Sea, between Indonesia and the Philippines, to be a semi-enclosed sea. Representatives of both countries met in June 1973 to define their boundary in the Celebes Sea; they claimed exclusive rights over all resources in and under the Sea and special interests in pollution, research, and security. They agreed to advance this position at the LOS Conference and to cooperate with other states bordering on semienclosed seas in promoting acceptance of a semienclosed sea concept.

Continental Shelf

Indonesia, a party to the 1958 Convention on the Continental Shelf, released a government announcement in February 1969 that defined its continental shelf in accordance with the Convention: "the seabed and the earth underneath, beyond the territorial waters of the Republic as set forth in the February 1960 Regulation, to a depth of 200 meters and more where exploitation of natural wealth can still be practical." The announcement became law in January 1973. Indonesia began to negotiate with its neighbors in 1969 to define its shelf boundaries, contending that it is essential to set definite limits of jurisdiction over resources on the continental shelf outside the limits of the territorial sea. Shelf boundaries have since been delimited with Australia, Malaysia, and Thailand. Only the boundary with South Vietnam remains undetermined; an overlapping shelf sector of about 12,000 square miles, created by inequitable demarcation methods of the two countries, promises to be difficult to resolve. Petroleum concession blocks have been granted by Indonesia that include the disputed zone; South Vietnam may grant concessions there this year.

Coastal State Jurisdiction Beyond the Territorial Sea

Indonesia, a signer and ratifier of the 1958 Convention on the High Seas, feels that it is in the country's best interests to exert as much control as possible over the seas adjacent to its territorial sea zone outside the archipelago. But, while Indonesia is certain to opt for broad coastal state jurisdiction over marine resources at the LOS Conference, it has not indicated that it wants to place any restrictions on navigation or overflights in or over any sea area outside its claimed territorial seas.

Indonesia contends that a coastal state has a right to conserve the resources outside its territorial sea and, therefore, restraints should be placed against foreign fleets fishing on the high seas contiguous to the territorial sea of a coastal state. The government argues that compensation should be paid to the coastal state (especially to a lesser developed country) by countries with fleets operating off its territorial seas. It has maintained, however, that it is best for the coastal state to decide how to assert its special rights over the fisheries on the high seas. The coastal state should define "clear and reasonable" limits on the basis of its special rights. These limits may vary, even from one part of a country to another, depending on geographic and biological factors. If universal widths on fisheries zones are adopted at the LOS Conference, Indonesia would prefer graduated special interests: an exclusive fishing zone contiguous to the territorial sea and a preferential or conservation zone further out.

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The Deep Seabed

Indonesia supports an international regime for regulation of mining on the deep seabed but wants strict guidelines and regulations in any treaty establishing such a regime to assure that activities in the international zone will not jeopardize exploration and exploitation operations in adjacent seabeds under its jurisdiction. It feels that a deep sea mining regime should take into particular consideration the interests of the lesser developed countries. These countries should reap not only financial benefits from the mining but should be given technical training as well; land- or shelf-locked nations, moreover, should be given priority in benefit sharing. Indonesia has proposed a revenue-sharing concept for the regime similar to that used in offshore petroleum exploitation in Indonesia. It questions the dispute settlement machinery proposed in the U.S. Draft Treaty that would use a tribunal with compulsory jurisdictional powers.

Marine Pollution

With extensive seas and long shorelines, Indonesia is seriously concerned with pollution within its archipelago and endorses strong international vessel-borne pollution standards. The government is especially concerned with the threat of oil spills by the steady procession of supertankers plying the routes between the Middle East and Japan. A contingency plan to combat pollution in the narrow, shallow, and heavily trafficked Malacca Strait -- where Indonesia charges that supertanker oil spills have already damaged the fishing industry -- has been developed by the International Tanker Owners Pollution Federation in response to initiatives by the Indonesian Petroleum Association. The plan, submitted to the Indonesian Government in June 1973, is expected to play a key role in formulating the Indonesian position on vessel-borne pollution not only in the Malacca Strait but in the rest of the archipelago as well. Indonesia contends that the coastal state should have the right to take action to combat pollution not only in the seas over which it now has jurisdiction but also over the high seas contiguous to its territorial waters.

Although generally in support of strong international vessel-borne pollution standards, Indonesia is concerned by the provision in the U.S. draft articles that would allow the port state to set higher standards for port entry. It fears that some states could set standards so high that many Indonesian vessels could not meet them.

Indonesia's Continental Shelf Law of January 1973 contains a section on pollution that requires any company undertaking exploration or exploitation of resources on the continental shelf to prevent sea and air pollution. A Ministry of Mining Regulation issued in March 1973

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specifies that any company engaged in offshore oil or gas exploration/exploitation operations must take steps to prevent oil or gas leaks and control any that occur, both in the territorial sea and on the continental shelf. If a company violates the terms of the Regulation, operations may be suspended.

Scientific Research

Although Indonesia has joined other countries in conducting marine research in the Indian Ocean and in the South China Sea, it has a limited capability to carry out such research outside its archipelago. The country's small number of marine research vessels concentrate on surveying resources within the archipelago. Indonesia contends that, in accordance with international convention, scientific research within national jurisdiction should be conducted only by the coastal state or with its written consent. Research outside national jurisdiction should be only for peaceful purposes, should be internationally regulated, and all states should have access to the results. It should neither hamper normal utilization of the sea nor should it be detrimental to the marine environment. Coastal states should be given the opportunity to participate in research on the high seas adjacent to the waters under their national jurisdiction and should receive data and training.

D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISORS

Indonesia has a team of knowledgeable and tough LOS negotiators, led by Hasjim Djalal, a shrewd and experienced sea lawyer. Djalal, despite his position as Minister-Counselor to Singapore, has remained active in LOS matters, including attendance at all Seabed Committee sessions since July-August 1971. He will be Indonesia's key negotiator at the Caracas Conference. Mochtar Kusumaatmadja, Minister of Justice, will lead the delegation but will probably not remain for the duration of the Conference.

Indonesian official delegates who attended one or more of the preparatory sessions for the Third UN Conference on the LOS or the organizational session of the Conference are as follows:

Name and Position (as they appear
 in the latest UN listing)

*H.E. Mr. Chaidar Anwar SANI
 Ambassador Extraordinary and
 Plenipotentiary
 Permanent Representative to the UN

*Dr. Hasjim DJALAL
 Minister-Counselor
 Indonesian Embassy in Singapore

Mr. Harsono HADIPOETRO
 Senior Official
 Department of Mines

Mr. Darman HAMZAH

Mr. HARDJUNI
 Official
 Department of Mines

*Mr. Abdullah KAMIL
 Head of the Directorate of
 International Organizations
 Department of Foreign Affairs

*Prof. Dr. Mochtar KUSUMAATMADJA
 Minister of Justice

Mr. Raiden KUSUMASMORO

Miss P. M. LUHULIMA
 First Secretary
 Permanent Mission to the UN

Mr. M. L. MANU

Colonel Aris MUNANDAR
 Chief of the Naval Hydrographic
 Office

H.E. Mr. Umarjadi NJOTOWIJONO
 Permanent Representative to the
 UN and other international
 organizations

Name and Position (as they appear in the latest UN listing)	Seabed		Committee		Session		Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
*H.E. Mr. Chaidar Anwar SANI Ambassador Extraordinary and Plenipotentiary Permanent Representative to the UN		X			X		X
*Dr. Hasjim DJALAL Minister-Counselor Indonesian Embassy in Singapore		X	X	X	X	X	X
Mr. Harsono HADIPOETRO Senior Official Department of Mines	X			X	X	X	
Mr. Darman HAMZAH			X				
Mr. HARDJUNI Official Department of Mines							X
*Mr. Abdullah KAMIL Head of the Directorate of International Organizations Department of Foreign Affairs							X X
*Prof. Dr. Mochtar KUSUMAATMADJA Minister of Justice	X	X	X	X	X	X	
Mr. Raiden KUSUMASMORO			X				
Miss P. M. LUHULIMA First Secretary Permanent Mission to the UN							X
Mr. M. L. MANU			X				
Colonel Aris MUNANDAR Chief of the Naval Hydrographic Office		X					
H.E. Mr. Umarjadi NJOTOWIJONO Permanent Representative to the UN and other international organizations	X						

Name and Position

Mr. M.H. PANGGABEAN
 Minister
 Permanent Mission to the UN

Mr. R. ROBBANI
 Department of Communications

Mr. M. Hasanuddin SAANIN
 Assistant to the Minister of
 Agriculture

Mr. Prayitno A. SINGGIH
 First Secretary
 Permanent Mission to the UN

H.E. Mr. Yoga SOEGOMO
 Ambassador
 Deputy Permanent Representative
 to the UN

Mr. SOEMBARJONO
 Pertamina

Mr. Enny SOEPRAPTO
 Second Secretary
 Permanent Mission to the UN

Mr. M. Soadjati SOERIA
 Senior Official
 Department of Mines

Maj. Gen. Poerbo S. SOEWONDO
 Department of Defense and
 Security

Mr. Soegio SOSROSOEMARTO
 Official
 Department of Foreign Affairs

Captain Tardana SURAHARDJA
 Senior Official
 Department of Communications

Seabed Committee Session							Org. Conf. Dec 73
Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73		
X	X						
				X	X		
	X	X	X	X	X		
				X			
				X			
				X			
				X	X		
X							
			X		X		
			X	X	X		
					X		

Name and Position

Mr. Sufjati SURJA
 Assistant to the Secretary-General
 of the Department of Mines

H.E. Mr. Ismael M. THAYEB
 Ambassador Extraordinary and
 Plenipotentiary
 Permanent Representative to the UN

Mr. Tirtio UTOMO
 Senior Official
 Pertamina

Colonel TRIHARDJO
 Department of National Defense
 and Security

Mr. M. Husseyn UMAR
 Maritime Commissioner
 Indonesian Embassy
 The Hague

Mr. Noegroho WISNOEMOERTI
 Third Secretary
 Permanent Mission to the UN

Name and Position	Seabed Committee Session					Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	
Mr. Sufjati SURJA Assistant to the Secretary-General of the Department of Mines		X				
H.E. Mr. Ismael M. THAYEB Ambassador Extraordinary and Plenipotentiary Permanent Representative to the UN				X		X
Mr. Tirtio UTOMO Senior Official Pertamina	X			X		
Colonel TRIHARDJO Department of National Defense and Security						X
Mr. M. Husseyn UMAR Maritime Commissioner Indonesian Embassy The Hague				X		
Mr. Noegroho WISNOEMOERTI Third Secretary Permanent Mission to the UN	X		X			X

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Approved For Release 2001/07/16 : CIA-RDP79-01054A000100050001-5

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Part II - Background Information

GEOGRAPHY:

World region: Southeast Asia and Pacific
Category: archipelago
Bordering states: Malaysia, Papua New Guinea, Portuguese Timor
Bordering bodies of water: South China Sea, Celebes Sea, Molucca Sea, Halmahera Sea, Pacific Ocean, Arafura Sea, Banda Sea, Timor Sea, Savu Sea, Flores Sea, Bali Sea, Java Sea, Indian Ocean
Bordering semienclosed sea: South China Sea, Celebes Sea, Molucca Sea, Halmahera Sea, Arafura Sea, Banda Sea, Savu Sea, Flores Sea, Bali Sea, Java Sea
Bordering Straits: Strait of Malacca (8.3 n. mi.), Singapore Strait (2.4 n. mi.) Karimata Strait (27.2 n. mi.), Api Passage, Serasan Passage, Koti Passage, Strait of Makasar (48.9 n. mi.), Bangka Passage, Greyhound Strait, Manipa Strait (13.4 n. mi.), Boston Passage, Wetar Passage (12.5 n. mi.), Ombai Strait (16.9 n. mi.), Roti Strait, Sapie Strait, Lombok Strait (11.3 n. mi.), Sapudi Strait (23.8 n. mi.), Sunda Strait (4.2 n. mi.), Gaspar Strait (5.3 n. mi.), Bangka Strait, Berhala Strait, Great Channel (88.0 n. mi.)
Area of continental shelf: 809,600 sq. n. mi., shared with Thailand, Malaysia, South Vietnam, Australia, Papua New Guinea, Portuguese Timor
Area to 200 n. mi. limit: 1,577,300 sq. n. mi., shared with Thailand, Malaysia, Singapore, South Vietnam, Philippines, Portuguese Timor, Papua New Guinea, Australia
Area to edge of continental margin: 1,229,800 sq. n. mi.
Sea Area (inside baselines): 765,000 sq. n. mi.
Coastline: 34,000 mi.
Land: 736,000 sq. mi.
Population: 126,381,000

INDUSTRY AND TRADE:

GDP: \$9.6 billion, less than \$100 per capita (1972 est.)
Major industries: processing petroleum and agricultural products, textiles, mining
Exports: \$1,549 million (f.o.b., 1972); petroleum, rubber, tin, copra, tea, coffee, tobacco, palm oil
Imports: \$1,458 million (f.o.b., 1972), rice, other foodstuffs, textiles, chemicals, iron and steel products, machinery, transport equipment, consumer durables
Major trade partners: exports - 43% Japan, 15% U.S., 12% Singapore, 5% West Germany; imports - 33% Japan, 15% U.S., 10% West Germany, 6% Singapore
Merchant marine: 161 ships (1,000 GRT or over) totaling 546,100 GRT; 7 passenger, 123 cargo, 14 tanker, 12 bulk, 5 specialized carrier; includes 1 naval tanker and 5 troop transports sometimes

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INDUSTRY AND TRADE (cont'd):

used commercially; a small proportion of the fleet is in international trade; in the domestic fleet about one-half are commercially inoperable because of a chronic lack of spare parts and trained personnel

MARINE FISHERIES:

Catch: 1.2 million tons; exports valued at \$4.5 million (1971)
Economic importance: minor national, major local
Nature: mostly coastal, some deep water
Species: tuna, shrimp
Marine fisheries techniques: mostly primitive; sailing craft used
Other countries fishing off coast: Japan, South Korea, Philippines,
Malaysia, Singapore, Norway
Extent of foreign offshore fishing: extensive tuna fishing in
Ceram and Banda Seas

PETROLEUM RESOURCES:

Crude oil: production (1972) - 366.5 million bbl. (50 million metric tons) onshore; 24 million bbl. (3.3 million metric tons) offshore; proved recoverable reserves (1971) - 9,700 million bbl. (1,323 million metric tons) onshore; 300 million bbl. (41 million metric tons) offshore
Natural gas: production (1971) - 121.2 billion cubic feet (3.4 billion cubic meters), all onshore; proved recoverable reserves (1971) - 4,500 billion cubic feet (130 billion cubic meters), all onshore

NAVY:

Ships: 6 destroyer types, 3 submarines, 57 coastal patrol, 12 mine warfare, 11 amphibious, 14 auxiliaries, 12 service craft

GOVERNMENT LEADERS:

Suharto, President; Adam Malik, Foreign Minister

PRESENT OCEAN CLAIMS:

Type	Date	Terms	Source/Notes
Territorial Sea	1939	3 n. mi.	Dutch territorial Sea Ordinance of 1939. Statute Book 1939 n. 442
	1957	12 n. mi.	<i>Straight baselines drawn between outermost points of the islands claimed as part of Indonesian archipelago</i>

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PRESENT OCEAN CLAIMS (cont'd):

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source/Notes</u>
Territorial Sea (cont'd)	1960		Act No. 4 of Feb. 18, 1960, A/CONF 19/5/Add. 1, Apr. 4, 1960 See <u>Limits in the Seas No. 50</u> for Malaysia territorial sea boundary
Continental Shelf	1969		Govt. Announcement of Feb. 17, 1969 To whatever depth resources can be exploited
	1960		Govt. Regulation substituting Law No. 44 of Oct. 26, 1960 for the Mining of Petroleum and Gas Median line applicable with bordering states. See <u>Limits in the Seas No. 1</u> for Malaysia Continental Shelf Boundary
Exclusive Fishing	1960	12 n. mi.	(Straight baseline concept)
Security	1960		<u>Regulation of the Supreme War Administration No. 11, 1960</u> , closing of territorial waters of Berhala Island, East Sumatra. <u>State Leaflet No. 146</u> , Nov. 29, 1960 <u>Regulation of Supreme War Administration No. 12, 1960</u> ; regarding traffic and navigation in the mouth of Sungang River, Palembang. <u>State Leaflet No. 147</u> , Nov. 29, 1960 <u>Regulation of Supreme War Administration No. 13, 1960</u> ; closing of territorial waters of Sumatra, West Kalimantan, South coast of West Java, Coasts of N. Sulawesi and its islands, <u>State Leaflet No. 148</u> , Nov. 29, 1960
Straight Baselines	1939		Dutch Territorial Sea Ordinance of 1939
	1960		Act No. 4 of Feb. 18, 1960 A/CONF 19/5/Add. 1, Apr. 4, 1960 See <u>Limits in the Seas No. 35</u>

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MULTILATERAL CONVENTIONS:

Convention on the High Seas, August 10, 1961
International Convention for the Safety of Life at Sea, October 28, 1966
Agreement for the Establishment of the Indo-Pacific Fisheries Council, March 29, 1950
Nuclear Test Ban Treaty, May 8, 1964
Indonesia-Malaysia-Thailand Continental Shelf Boundary, ratified July 16, 1973
IMCO Convention, January 18, 1961
IHO Convention, November 28, 1968

BILATERAL CONVENTIONS:

Indonesia-Malaysia. Agreement relating to the Delimitation of the Continental Shelf, October 27, 1969
Indonesia-Malaysia. Territorial Sea Boundary, March 10, 1971
Indonesia-Malaysia. Agreement on Territorial Waters in the Malacca Strait, March 17, 1970
Indonesia-Singapore. Territorial Sea Boundary, May 29, 1973
Indonesia-Australia. Agreement Establishing Certain Seabed Boundaries, May 18, 1971
Indonesia-Australia. Agreement Establishing Certain Seabed Boundaries, October 9, 1972

MEMBERSHIP IN ORGANIZATIONS RELATED TO LOS INTERESTS:

ADB Asian Development Bank
ASEAN Association of Southeast Asian Nations
FAO Food and Agricultural Organization
IAEA International Atomic Energy Agency
ICAO International Civil Aviation Organization
IHB International Hydrographic Bureau
IMF (FUND) International Monetary Fund
UNESCO United Nations Educational, Scientific, and Cultural Organization
UN Seabed Committee United Nations Committee on the Peaceful Uses of the Seabed and Ocean Floor Beyond the Limits of National Jurisdiction

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ACTION ON SIGNIFICANT UN RESOLUTIONS:

Moratorium Resolution (A/RES/2574 D, XXIV, 12/15/69)	Abstain
<i>Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.</i>	
LOS Conference (A/RES/2750 C, XXV, 12/17/70)	In favor
<i>Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.</i>	
LOS Conference, Timing and Site (A/RES/3029 A, XXVII, 12/18/72)	Adopted w/o vote
Indian Ocean as a Zone of Peace (A/RES/2992, XXVII, 12/15/72)	In favor
<i>Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.</i>	
Landlocked/Shelf-Locked Study Resolution (A/RES/3029 B, XXVII, 12/18/72)	Abstain
<i>Called for study of extent and economic significance, in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.</i>	
Peruvian Coastal State Study Resolution (A/RES/3029 C, XXVII, 12/18/72)	In favor
<i>Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.</i>	
Permanent Sovereignty over Natural Resources (A/RES/3016 XXVII, 12/18/72)	In favor
<i>Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.</i>	

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UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/SC.II/L.18
27 March 1973

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

Cyprus, Greece, Indonesia, Malaysia, Morocco, Philippines, Spain and
Yemen: draft articles on navigation through the territorial sea
including straits used for international navigation

The question of navigation through the territorial sea including straits used for international navigation is one of the problems facing the Committee in its task to comply with the terms of General Assembly resolutions 2750 C (XXV) and 3029 A (XXVII).

The delegations co-sponsoring the present document wish to contribute to the progress of the Committee's work at this new and important stage of its proceedings and they consider that an appropriate means to achieve this aim is to submit draft articles on items 2.4 and 4.1 of the list of subjects and issues concerning navigation through the territorial sea and through straits used for international navigation, independently of the solutions that item 2.5 may receive in due course.

Although presented as separate articles, this draft is not intended to prejudge its eventual location within the convention or conventions which may be adopted by the future conference.

In drafting this document the following basic considerations have been taken into account:

(1) Navigation through the territorial sea and through straits used for international navigation should be dealt with as an entity since the straits in question are or form part of territorial seas.

(2) Regulation of navigation should establish a satisfactory balance between the particular interests of coastal States and the general interests of international maritime navigation. This is best achieved through the principle of innocent passage which is the basis of the traditional régime for navigation through the territorial sea.

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A/AC.130/SC.11/L.18

English

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(3) The regulation should contribute both to the security of coastal States and to the safety of international maritime navigation. This can be achieved by the reasonable and adequate exercise by the coastal State of its right to regulate navigation through its territorial sea. Since the purpose of the regulation is not to prevent or hamper passage but to facilitate it without causing any adverse effects to the coastal State.

(4) The regulation should take due account of the economic realities and scientific and technological developments which have occurred in recent years; this requires the adoption of appropriate rules to regulate navigation of certain ships with "special characteristics".

(5) The regulation should, finally, meet the deficiencies of the 1958 Geneva Convention, especially those concerning the passage of warships through the territorial sea, including straits.

Section I. Rules applicable to all ships

Subsection A. Right of innocent passage

Article 1

Subject to the provisions of these articles, ships of all States, whether coastal or not, shall enjoy the right of innocent passage through the territorial sea.

Article 2

1. Passage means navigation through the territorial sea for the purpose either of traversing that sea without entering internal waters, or of proceeding to internal waters, or of making for the high seas from internal waters.

2. Passage includes stopping and anchoring, but only in so far as the same are incidental to ordinary navigation or are rendered necessary by "force majeure" or by distress.

Article 3

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with these articles and with other rules of international law.

2. Passage shall be continuous and expeditious. Passing ships shall refrain from manoeuvring unnecessarily; hovering, or engaging in any activity other than mere passage.

3. Foreign ships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law.

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4. Passage of foreign fishing vessels shall not be considered innocent if they do not observe such laws and regulations as the coastal State may make and publish in order to prevent these vessels from fishing in the territorial sea.

5. Submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 4

The coastal State must not hamper innocent passage through the territorial sea. In particular, it shall not impede the innocent passage of a foreign ship flying the flag of a particular State or carrying goods owned by a particular State, proceeding from the territory of or consigned to such a State.

Article 5

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters, the coastal State shall also have the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to those waters is subject.

3. Subject to the provisions of paragraph 4, the coastal State may, without discrimination amongst foreign ships, suspend temporarily and in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

4. Subject to the provisions of articles 8, 22, paragraph 3 and 23, there shall be no suspension of the innocent passage of foreign ships through straits used for international navigation which form part of the territorial sea.

Subsection B. Regulation of passage

Article 6

The coastal State may enact regulations relating to navigation in its territorial sea. Such regulations may relate, inter alia, to the following:

(a) Maritime safety and traffic and, in particular, the establishment of sea lanes and traffic separation schemes;

(b) Installation and utilization of facilities and systems of aids to navigation and the protection thereof;

(c) Installation and utilization of facilities to explore and exploit marine resources and the protection thereof;

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English

Page 4

- (d) Maritime transport;
- (e) Passage of ships with special characteristics;
- (f) Preservation of marine and coastal environment and prevention of all forms of pollution;
- (g) Research of the marine environment.

Article 7

In exercising the right of innocent passage through the territorial sea, foreign ships will not be allowed to perform activities such as

- (a) Engaging in any act of espionage or collecting of information affecting the security of the coastal State;
- (b) Engaging in any act of propaganda against the coastal State or of interference with its systems of communications;
- (c) Embarking or disembarking troops, crew members, frogmen or any other person or device without the authorization of the coastal State;
- (d) Engaging in illicit trade;
- (e) Destroying or damaging submarine or aerial cables, tubes, pipe-lines or all forms of installations and constructions;
- (f) Exploring or exploiting marine and subsoil resources without the authorization of the coastal State.

Article 8

The coastal State may designate in its territorial sea sea lanes and traffic separation schemes, taking into account those recommended by competent international organizations, and prescribe the use of such sea lanes and traffic separation schemes as compulsory for passing ships.

Article 9

1. The coastal State is required to give appropriate publicity to any dangers of navigation, of which it has knowledge, within its territorial sea.
2. The coastal State is required to give appropriate publicity to the existence in its territorial sea of any facilities or systems of aid to navigation and of any facilities to explore and exploit marine resources which could be an obstacle to navigation, and to install in a permanent way the necessary marks to warn navigation of the existence of such facilities and systems.

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Article 10

The coastal State may require any foreign ship that does not comply with the provisions concerning regulation of passage to leave its territorial sea.

Section II. Rules applicable to certain types of ships

Subsection A. Merchant ships

Article 11

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services. These charges shall be levied without discrimination.

3. The coastal State shall have the right to be compensated for works undertaken to facilitate passage.

Article 12

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed on board the ship during its passage, save only in the following cases:

(a) If the consequences of the crime extend to the coastal State; or

(b) If the crime is of a kind to disturb the peace of the country of the good order of the territorial sea; or

(c) If the assistance of the local authorities has been requested by the captain of the ship or by the consul of the country whose flag the ship flies; or

(d) If it is necessary for the suppression of illicit traffic in narcotic drugs.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2 of this article, the coastal State shall, if the captain so requests, advise the consular authority of the country whose flag the ship flies, before taking any steps, and shall facilitate contact between such authority and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

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4. In considering whether or how an arrest should be made, the local authorities shall pay due regard to the interests of navigation.

5. The coastal State may not take steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connexion with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 13

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. The provisions of the previous paragraph are without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceeding, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

Subsection B. Ships with special characteristics

Article 14

The coastal State may regulate the passage through its territorial sea of the following:

- (a) Nuclear-powered ships or ships carrying nuclear weapons;
- (b) Ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment;
- (c) Ships engaged in research of the marine environment.

Article 15

1. The coastal State may require prior notification to or authorization by its competent authorities for the passage through its territorial sea of foreign nuclear-powered ships or ships carrying nuclear weapons, in conformity with regulations in force in such a State.

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2. The provisions of paragraph 1 shall not prejudice any agreement to which the coastal State may be a party.

Article 16

The coastal State may require that the passage through its territorial sea of foreign ships carrying nuclear substances or any other material which may endanger the coastal State or pollute seriously the marine environment be conditional upon any or all of the following:

- (a) Prior notification to its competent authorities;
- (b) Coverage by an international insurance or guarantee certificate for damages that might be caused by such carriage;
- (c) Use of designated sea lanes.

Article 17

1. The coastal State may require prior notification to its competent authorities for the passage through its territorial sea of foreign ships engaged in research of the marine environment, in conformity with regulations in force in such a State.

2. During their passage through the territorial sea, foreign ships engaged in research of the marine environment will not be entitled to carry out any scientific research or hydrographic survey without the explicit authorization of the coastal State.

Article 18

In order to expedite passage the coastal State shall ensure that the procedure of notification referred to in different articles of this section shall not cause undue delay.

Subsection C. Government ships other than warships

Article 19

The rules contained in subsections A and B of this section shall also apply to government ships operated for commercial purposes.

Article 20

1. The rules contained in articles 11, 15, 16 (a) and (c), 17 and 18 of this convention shall apply to government ships operated for non-commercial purposes.

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English

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2. With such exceptions as are contained in any of the provisions referred to in the preceding paragraphs, nothing in these articles affects the immunities which such ships enjoy under these articles or other rules of international law.

Subsection D. Warships

Article 21

The coastal State may require prior notification to or authorization by its competent authorities for the passage of foreign warships through its territorial sea, in conformity with regulations in force in such a State.

Article 22

1. Foreign warships exercising the right of innocent passage shall comply with the laws and regulations enacted by the coastal State in conformity with these articles and other rules of international law.

2. Foreign warships exercising the right of innocent passage shall not perform any activity which does not have a direct bearing with the passage, such as:

- (a) Carrying out any exercise or practice with weapons of any kind;
- (b) Assuming combat position by the crew;
- (c) Flying their aircraft;
- (d) Intimidation or displaying of force;
- (e) Carrying out research operations of any kind.

3. Foreign warships exercising the right of innocent passage may be required to pass through certain sea lanes as may be designated for this purpose by the coastal State.

Article 23

If any warship does not comply with the regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance which is made to it, the coastal State may require the warship to leave the territorial sea.



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED

A/AC.138/SC.II/L.15
14 March 1973

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

ARCHIPELAGIC PRINCIPLES AS PROPOSED BY THE DELEGATIONS
OF FIJI, INDONESIA, MAURITIUS AND THE PHILIPPINES

EXPLANATORY NOTE

This paper is submitted by Fiji, Indonesia, Mauritius and the Philippines for consideration by this Committee with a view to the principles enunciated therein being incorporated into the convention on the Law of the Sea. These principles are designed to accommodate not only the interests of archipelagic States but also other States and of the international community as a whole. They contain the definition of an archipelagic State, its rights over the waters of the archipelago, and the right of innocent passage for international navigation through the waters of the archipelago.

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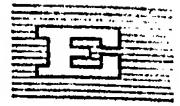
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English

Page 2

PRINCIPLES

1. An archipelagic State, whose component islands and other natural features form an intrinsic geographical, economic and political entity, and historically have or may have been regarded as such, may draw straight baselines connecting the outermost points of the outermost islands and drying reefs of the archipelago from which the extent of the territorial sea of the archipelagic State is or may be determined.
2. The waters within the baselines, regardless of their depth or distance from the coast, the sea-bed and the subsoil thereof, and the superjacent airspace, as well as all their resources, belong to, and are subject to the sovereignty of the archipelagic State.
3. Innocent passage of foreign vessels through the waters of the archipelagic State shall be allowed in accordance with its national legislation, having regard to the existing rules of international law. Such passage shall be through sealanes as may be designated for that purpose by the archipelagic State.



UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
LIMITED

A/AC.138/SC.II/L.48
6 August 1973

Original: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND
THE LIMITS OF NATIONAL JURISDICTION
SUB-COMMITTEE II

DRAFT ARTICLES ON ARCHIPELAGOS

submitted by Fiji, Indonesia, Mauritius and the Philippines

ARTICLE I

1. These articles apply only to archipelagic States.
2. An archipelagic State is a State constituted wholly or mainly by one or more archipelagos.
3. For the purposes of these articles an archipelago is a group of islands and other natural features which are so closely interrelated that the component islands and other natural features form an intrinsic geographical, economic and political entity or which historically have been regarded as such.

ARTICLE II

1. An archipelagic State may employ the method of straight baselines joining the outermost points of the outermost islands and drying reefs of the archipelago in drawing the baselines from which the extent of the territorial sea is to be measured.
2. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.
3. Baselines shall not be drawn to and from low-tide elevations unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.
4. The system of straight baselines shall not be applied by an archipelagic State in such a manner as to cut off the territorial sea of another State.
5. The archipelagic State shall clearly indicate its straight baselines on charts to which due publicity shall be given.

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page 2

ARTICLE III

1. The waters enclosed by the baselines, which waters are referred to in these articles as archipelagic waters, regardless of their depth or distance from the coast, belong to and are subject to the sovereignty of the archipelagic State to which they appertain.
2. The sovereignty and rights of the archipelagic State extend to the air space over its archipelagic waters as well as to the water column, the seabed and subsoil thereof, and to all of the resources contained therein.

ARTICLE IV

Subject to the provisions of article V, innocent passage of foreign ships shall exist through archipelagic waters.

ARTICLE V

1. An archipelagic State may designate sealanes suitable for the safe and expeditious passage of ships through its archipelagic waters and may restrict the innocent passage by foreign ships through those waters to those sealanes.
2. An archipelagic State may, from time to time, after giving due publicity thereto, substitute other sealanes for any sealanes previously designated by it under the provisions of this article.
3. An archipelagic State which designates sealanes under the provisions of this article may also prescribe traffic separation schemes for the passage of foreign ships through those sealanes.
4. In the prescription of traffic separation schemes under the provisions of this article, an archipelagic State shall, inter alia, take into consideration:
 - a. the recommendation or technical advice of competent international organizations;
 - b. any channels customarily used for international navigation;
 - c. the special characteristics of particular channels, and
 - d. the special characteristics of particular ships or their cargoes.
5. An archipelagic State may make laws and regulations, not inconsistent with the provisions of these articles and having regard to other applicable rules of international law, relating to passage through sealanes and traffic separation schemes as designated by the archipelagic State under the provisions of this article, which laws and regulations may be in respect of, inter alia, the following:

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page 3

- a. the safety of navigation and the regulation of marine traffic, including ships with special characteristics;
- b. the utilization of, and the prevention of destruction or damage to, facilities and systems of aids to navigation;
- c. the prevention of destruction or damage to facilities or installations for the exploration and exploitation of the marine resources, including the resources of the water column, the seabed and subsoil;
- d. the prevention of destruction or damage to submarine or aerial cables and pipelines;
- e. the preservation of the environment of the archipelagic State and the prevention of pollution thereto;
- f. research of marine environment;
- g. the prevention of infringement of the customs, fiscal, immigration, quarantine or sanitary regulations of the archipelagic State;
- h. the preservation of the peace, good order and security of the archipelagic State.

6. The archipelagic State shall give due publicity to all laws and regulations made under the provisions of paragraph 5 of this article.
7. Foreign ships exercising innocent passage through those sealanes shall comply with all laws and regulations made under the provisions of this article.
8. If any warship does not comply with the laws and regulations of the archipelagic State concerning passage through any sealane designated by the archipelagic State under the provisions of this article and disregards any request for compliance which is made to it, the archipelagic State may suspend the passage of such warship and require it to leave the archipelagic waters by such route as may be designated by the archipelagic State. In addition to such suspension of passage the archipelagic State may prohibit the passage of that warship through the archipelagic waters for such period as may be determined by the archipelagic State.
9. Subject to the provisions of paragraph 8 of this article, an archipelagic State may not suspend the innocent passage of foreign ships through sealanes designated by it under the provisions of this article, except when essential for the protection of its security, after giving due publicity thereto, and substituting other sealanes for those through which innocent passage has been suspended.
10. An archipelagic State shall clearly demarcate all sealanes designated by it under the provisions of this article and indicate them on charts to which due publicity shall be given.

UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
LIMITED
A/AC.138/SC.III/L.22
31 July 1972
Original: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE

Australia, Canada, Chile, Colombia, Fiji, Indonesia, Japan, Malaysia,
New Zealand, Peru, Philippines, Singapore and Thailand: draft resolution
The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond
the Limits of National Jurisdiction,

Recalling the suggested statement of views submitted to Sub-Committee III at the
8th meeting of that Sub-Committee,*/

Further recalling the resolution on the subject of nuclear testing adopted by the
United Nations Conference on the Human Environment, as well as Principle 26 of the
Declaration on the Human Environment adopted by the same Conference,

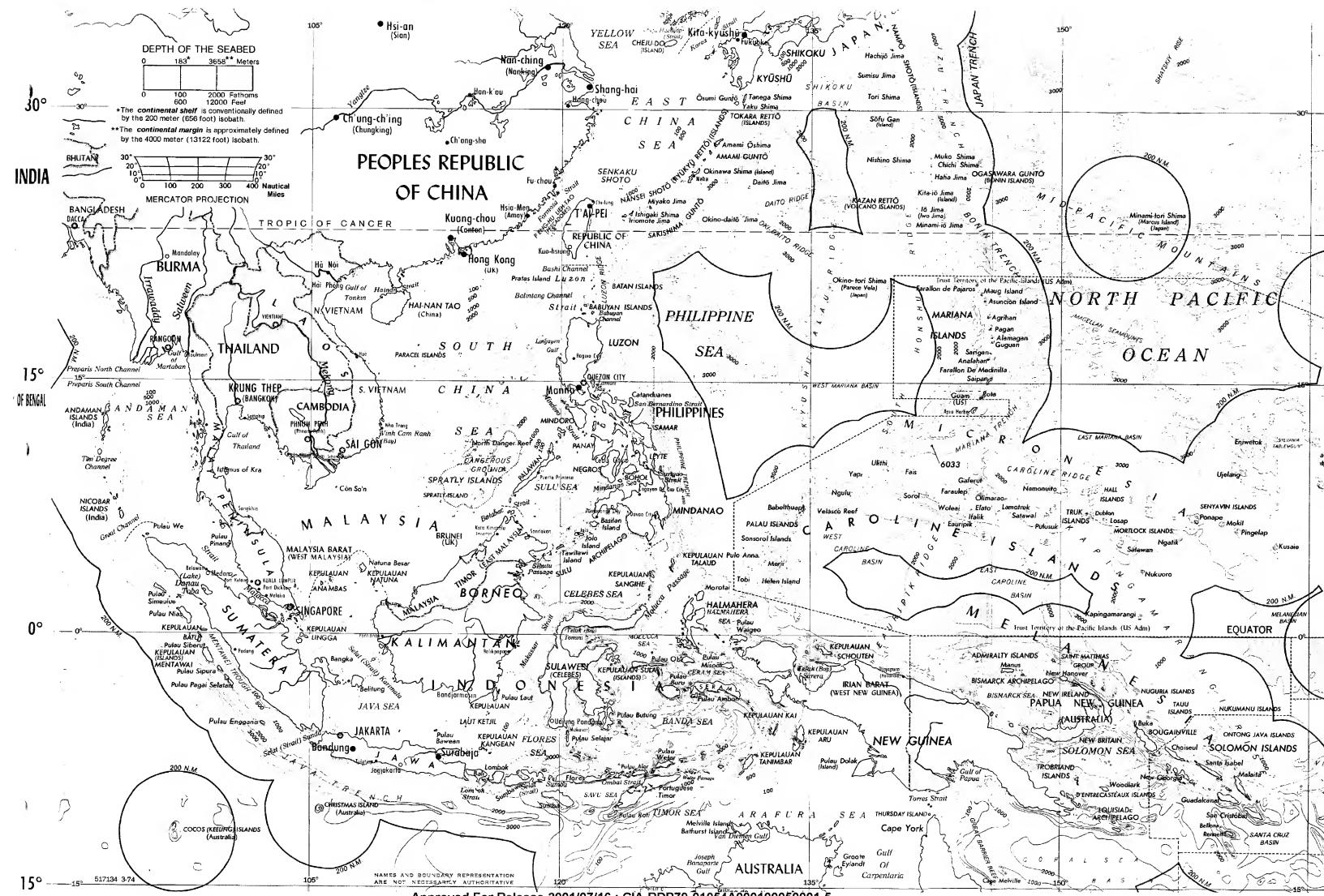
Acting in furtherance of the principles of the partial Nuclear Test Ban Treaty,
Having noted the concern of the nations and peoples of the Pacific at, and their
opposition to, the conduct of the nuclear weapon tests in that region,

Bearing in mind its obligation to propose legal norms for the preservation of
the marine environment and the prevention of marine pollution;

1. Declares that no further nuclear weapons tests likely to contribute to the
contamination of the marine environment should be carried out;
2. Requests its Chairman to forward this resolution to the Secretary-General of
the United Nations for referral to the appropriate United Nations bodies,
including the Conference of the Committee on Disarmament.

*/ (A/8421, Annex V)

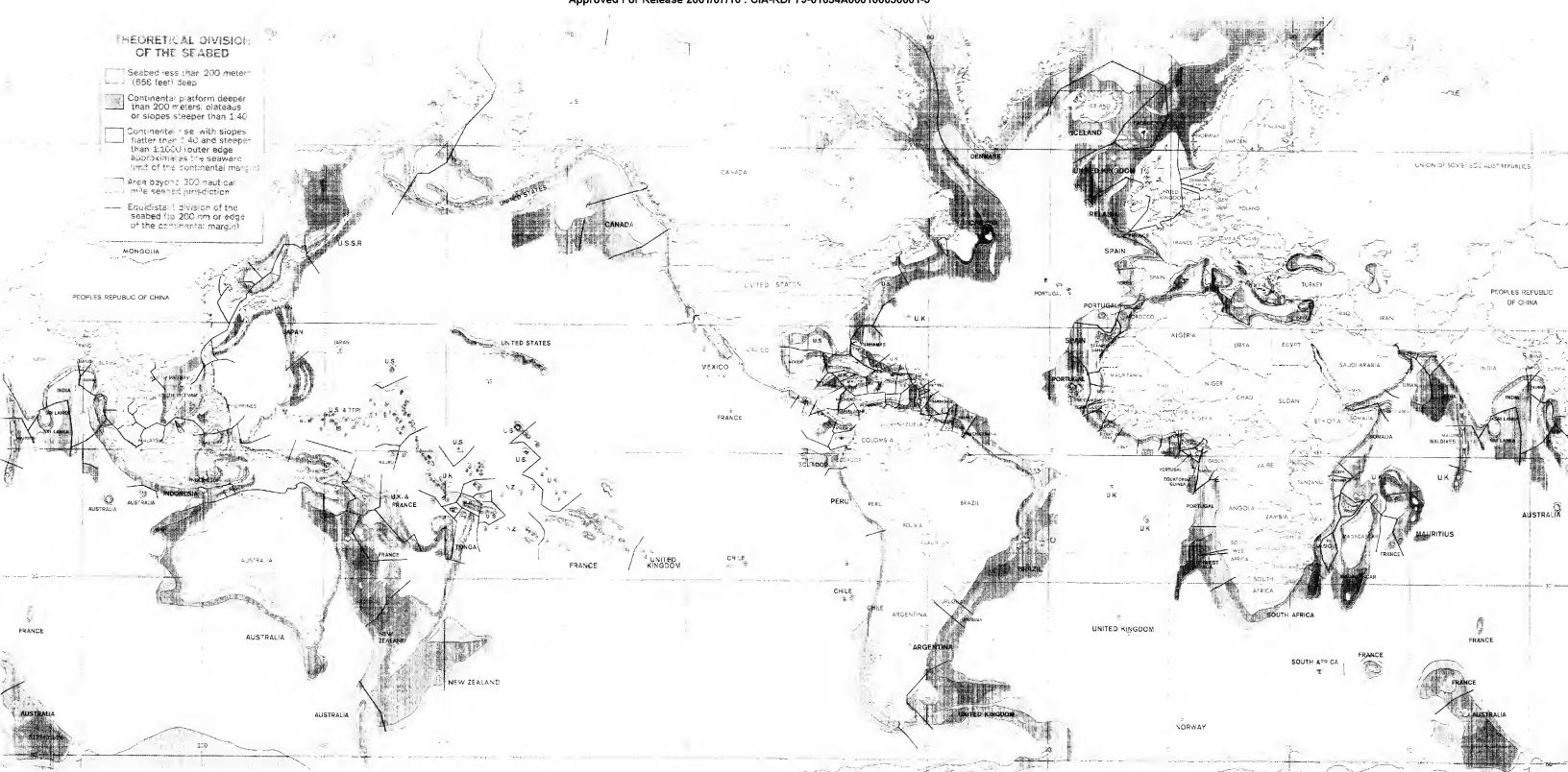
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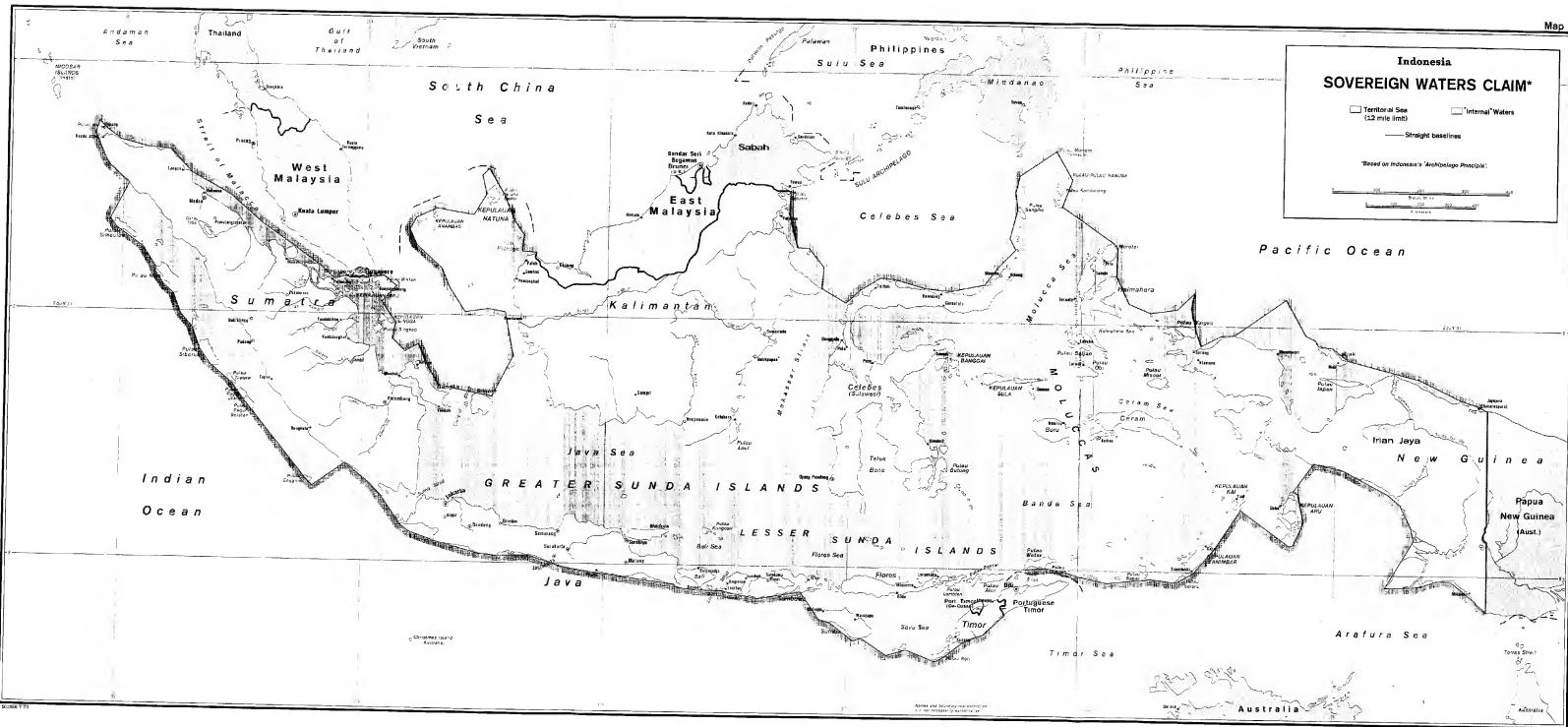
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THEORETICAL DIVISION OF THE SEABED

- Seabed less than 200 meters (656 feet) deep
- Continental shelf deeper than 200 meters; plateaus or slopes steeper than 1:40
- Continental rise with slopes flatter than 1:40 and steeper than 1:100; outer edge approximates the seaward limit of the continental margin
- Area beyond 300 nautical miles seabed prediction
- Equidistant division of the seabed up to 200 m off edges



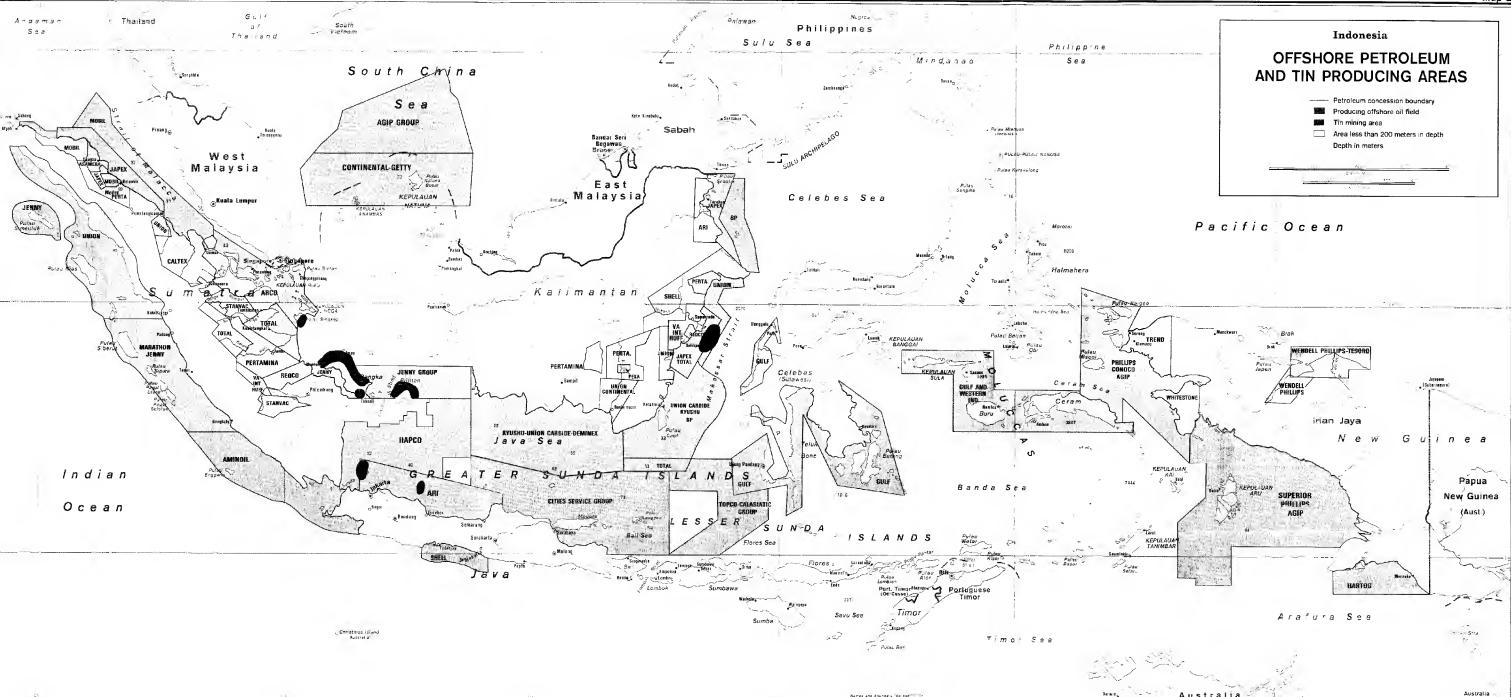
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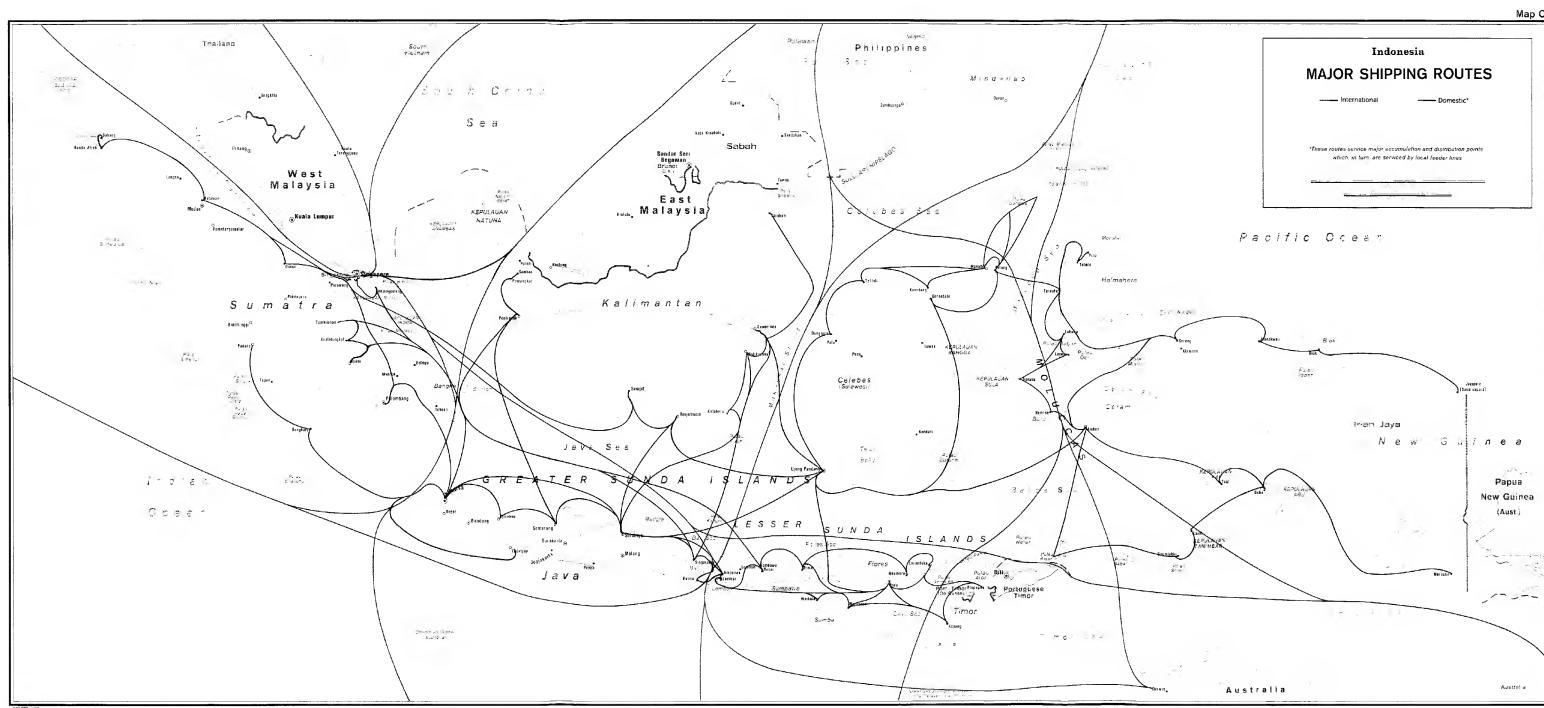
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Map B



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Secret

No Foreign Dissem

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